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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,857	12/08/2003	Andrew John Cardno	83336.1710	1227
66880 7590 10/21/2010 STEPTOE & JOHNSON, LLP 2121 AVENUE OF THE STARS SUITE 2800 LOS ANGELES, CA 90067				
EXAMINER NUNEZ, JORDANY				
ART UNIT		PAPER NUMBER		
2175				
NOTIFICATION DATE		DELIVERY MODE		
10/21/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/728,857

**Applicant(s)**

CARDNO, ANDREW JOHN

**Examiner**

Jordany Núñez

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 8-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1448 or PTO-600) Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardno (WO 0225494) in view of Soper et al. (WO 0079438).

As to claims 1, 8:

Cardno shows a data analysis system embodied on a computer readable storage medium, and corresponding method, comprising:

an interaction database maintained in computer memory, the interaction database comprising interaction data representing interactions between customers and merchants (page 6, lines 1-12);

a spatial display component configured to display a spatial graphic of at least part of the physical layout of a commercial premise of a merchant (page 8, last 8 lines);

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a retrieval component configured to retrieve from the interaction database a plurality of data values representing interactions between customers and merchants (page 8, lines 1-12);

a contour generator configured to generate and superimpose a representation of the data values on the spatial graphic (page 9, lines 12-23);

a data display component configured present interactions between customers and merchants associated with the part of the spatial graphic selected by the user (e.g., a background with a superimposed contour, for example, the contour representing a sum\_turnover -i.e., turnover summary- superimposed on the background of one or more gaming machine), wherein the displayed interactions between customers and merchants is over pre-specified period of time (e.g., still representation at various time intervals) (page 12, lines 1-16);

wherein the contour generator is configured to generate and display data points corresponding to the data values (e.g., data point are shown as contours), such that one or more of the data points is displayed as a local maximum (e.g., data point are preferably represented gradually drop off), one or more contour lines surround one or more of the data points (e.g., there is a contour for each data point), each contour line representing data values of equal value and which are less than the data value of the data point around which the contour line is displayed (e.g., each contour line for each data point falls away from each data point) (page 9, last paragraph).

Cardno fails to specifically show: a user selection component configured to enable a user to select part of the spatial graphic in order to present additional data for further analysis by the user.

In the same field of invention, Soper teaches: Spatial Data Management System. Soper further teaches: a user adding, deleting, or repositioning or rotating objects displayed to a user in a graphical spatial representation of objects (page 6, lines 7-13) in order to display a contoured representation of data superimposed on the graphical spatial representation of the premises (page 11, l. 28-33).

Thus, it would have been obvious to one of ordinary skill in the art, having the teachings of Cardno and Soper at the time that the invention was made, to have combined the teachings of Soper with the system and method as taught by Cardno.

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One would have been motivated to make such combination because a way to enable a casino operator to know how effective casino layout changes affect revenue would have been obtained and desired, as expressly taught by Soper (page 1, lines 18-21).

As to claims 2, 9, Cardno shows:

wherein the merchant provides a plurality of products to customers, the spatial graphic comprising representations of one or more of the products corresponding to the spatial position of the products within the physical commercial premise of the merchant (page 5, last paragraph).

As to claims 3, 10, Soper shows:

the user selection component is configured to enable a user to select a product, in the spatial graphic (page 5, lines 4-6).

As to claims 4, 11, Soper shows:

wherein the representation generated by the data display component is associated with the product selected by the user (page 5, lines 4-6).

As to claim 5, Cardno shows:

wherein the representation displays interactions between customers and merchants involving the product selected by the user (page 12, lines 9-16).

As to claim 12, Cardno shows:

A method of data analysis as claimed in claim 11 further comprising the step of generating and displaying a contoured representation of one or more of the data values centered on respective data points, such that one or more of the data points is displayed as a local maximum (page 9, last paragraph)..

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

### ***Response to Arguments***

Applicant's arguments have been fully considered but are not persuasive. Examiner reiterates that references to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention.

Applicant argues:

1) Applicant submits Soper also does not disclose this limitation. Rather, the cited portion of Soper (p. 6, lines 7-13) discloses that the user may add, remove, or reposition an object presented on the display. Applicant submits that the changes to the display are not the same as highlighting an area of the display to obtain additional information as recited in the claimed invention. Soper is more directed to establishing a layout, whereas the claimed invention is directed to analyzing the merchant customer interaction as a result of the layout (page 5, last paragraph).

Examiner disagrees.

As to 1), as acknowledged by Applicant, Soper is directed to establishing a layout of a merchant's place of business through a graphical spatial representation of the premises. Soper further teaches (page 11, l. 28-33) displaying a contoured representation of data superimposed on the graphical spatial representation of the premises to visualize data (i.e., highlighting an area of the display to obtain additional information). Thus, Soper clearly is directed to analyzing the merchant customer interaction as a result of the layout.

**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Busche et al.	[U.S. 20030055707]
Pekowski et al.	[U.S. 6557007]
Hughes et al.	[U.S. 592261]

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordany Núñez whose telephone number is (571)272-2753. The examiner can normally be reached on Monday Through Thursday 9am-7:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571)272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JN  
10/12/2010

/William L. Bashore/  
Supervisory Patent Examiner, Art Unit 2175